



January 12, 2009

Dear Kitchen Cabinet members,

The 2010 legislative session is underway, and there are a number of issues I want to share with you. This year, the session is scheduled to last just 60 days, but it could go longer into what is called a “special session” if lawmakers can’t figure out a way to reconcile the \$2.6 billion dollar budget gap which the state is currently facing. There are a number of proposals out there, from new taxes and tax hikes to cutting vital programs and services. I will not be supporting any new taxes this session.

My 2010 legislative agenda

Today, I’ve proposed a suite of legislation: 12 bills having to do with public safety. After the murders of six police officers in Washington over the last few months, including four in Lakewood, I realized that something must be done to help [protect those who are protecting us](#). This session, the legislature will be taking a closer look at public safety, which has been a central focus of mine for many years. In fact, there have been several news items about my guilty and mentally ill bill to create an alternative to “not guilty by reason of insanity” and my bill to restrict computer access at the Special Commitment Center on McNeil island to prevent access to child and adult pornography.

You may remember my [editorial in the Seattle Times](#) about how the cuts made by the Legislature last year created a “perfect storm” of crime. It must have had an impact, because

Representative Troy Kelly has asked me if he can duplicate my constitutional amendment and run it in the House of Representatives.

Constitutional Amendment Restricting Bail ([SJR 8218](#))

The state constitution allows courts to deny bail for capital offenses, where proof is evident or presumption is great. My bill would give courts the ability to extend those ineligible for bail to individuals facing charges that could result in life imprisonment without possibility of parole. Often those facing these types of charges may feel that they have nothing left to lose. This would provide the courts with an added tool to protect the public.

Assault of Police Officer ([SB 6317](#))

An assault on a law enforcement officer with a deadly weapon while the officer is performing his or her official duties is raised to Assault First Degree (would be Second Degree under current law). An assault on a law enforcement officer with a weapon which causes bodily harm while the officer is performing his or her official duties is raised to Assault Second Degree (would be Third Degree under current law). A sentencing enhancement of three years is added for any conviction for Assault First Degree or Assault Second Degree involving a deadly weapon if the victim is a police officer who was performing his or her official duties. This enhancement runs consecutively with any other sentence, and consecutively with the deadly weapon or firearm enhancement which would otherwise apply.

Body Armor Sentencing Enhancement ([SB 6311](#))

Those who commit felonies while wearing body armor will receive a mandatory sentence enhancement. In recent years violent criminals across the country have chosen to wear body armor, most notably in Los Angeles, New York, and Pittsburgh. Violent criminals who use body armor pose a significant threat to law enforcement officers and the general public. This bill will increase the sentences given to felons who choose wear body armor.

Ten Percent Bail Bond Requirement ([SB 6188](#))

Currently, there is no minimum bond percentage fee that a defendant must pay. This bill establishes a minimum bond fee of ten percent for crimes against persons, which include

felony DUI, stalking, violation of a domestic violence no contact order, etc. This bill is narrowly tailored to target crimes where the defendant may pose a higher risk to public safety.

Bench Warrants Executed by Bail Bond Agents ([SB 6313](#))

This bill allows courts of limited jurisdiction to enter in to agreements with bail bond agencies to execute bench warrants. These agreements would force the person accused to pay for the cost associated with the bail agent serving the bench warrant.

Hospital Reporting Violent Injuries ([SB 6318](#))

Last year, we passed [SB 5056](#) which required hospitals to report patients who have experienced gunshot wounds or stab wounds to a local law enforcement authority as soon as possible, but only when the patient is unconscious. My bill would apply this same reporting requirement in cases where a gunshot wound was involved and the patient was conscious. When a fugitive is running from the law and in so doing has experienced a gunshot wound and is thus forced to seek medical attention, the hospital can serve a vital community safety function by advising local law enforcement of that patient's whereabouts, perhaps preventing further violence or even death. This is a commonsense policy that appropriately balances the objective of community safety with existing patient privacy laws.

Guilty and Mentally Ill Legislation ([SB 6310](#))

A defendant who pleads not guilty by reason of insanity may be found “guilty and mentally ill” if the jury finds the state has proven every element of the crime charged, the defendant has not proven by a preponderance of the evidence that he is not guilty by reason of insanity, and the defendant has proven by a preponderance of the evidence that he was mentally ill at the time of the charged crime and that his actions were affected by symptoms of mental illness.

[Under my bill](#), the defendant will receive the same sentence that any other defendant convicted of the same crime would receive. The defendant would be committed to a secure mental health facility operated by DSHS before being discharged to DOC to complete his or her sentence. DSHS must discharge the defendant within 90 days or provide written justification to DOC at 90 day intervals why continued treatment is necessary. If the defendant

refuses to cooperate with treatment, he must be discharged to DOC. Following release, the defendant will receive full supervision on community custody, regardless of the defendant's risk level score.

Not Guilty by Reason of Insanity Inheritance ([SB 6309](#))

This bill would prohibit a person found not guilty by reason of insanity in a murder case from benefiting by their action, even if the insanity causes him not to know the nature and quality of his acts.

This would close a gaping loophole in state law that conceivably allows an NGRI patient to collect on a life insurance policy or inheritance after causing the death of a spouse or family member.

Computer and Phone Access at SCC ([SB 6308](#))

The Superintendent of the Special Commitment Center contacted me regarding his frustration over the ease by which electronic contraband is being smuggled into the SCC. SCC has had a long and well documented struggle with this issue. The treatment environment is greatly harmed when obscene and illegal materials are allowed to flourish. My bill would prohibit any person committed or detained at the SCC from access a personal computer unless the resident's treatment plan states that such access is necessary. The bill would permit access to a limited functioning device capable of word processing and limited data storage, but not otherwise capable of transferring or displaying contraband materials.

Correctional Employees Firearms ([SB 5929](#))

This permits properly trained correctional employees to carry firearms, without needing to obtain a concealed weapons permit.

Minimum Security Facilities ([SB 6314](#))

Currently some local counties expend more than necessary to house low risk offenders. This bill allows cities and counties to maintain minimum security special detention facilities. Counties or cities must develop objective requirements for those adults in custody who qualify

as individuals who do not pose the normal security threat. Those eligible could include adults in custody remanded pre-trial or post sentencing.

Home Detention Requirements for Community Custody Violations ([SB 6315](#))

There are significant restrictions on home detention being used in lieu of jail time for offenders based on the type of crime committed including violent, sex and drug offenses. There are no similar restrictions in statute that would prevent an offender who has violated his or her terms of community custody from being offered home detention, even if the violation involved a firearm or was pursuant to a domestic violence conviction. While we must respect the discretion of the Department of Corrections to handle offenders under their supervision appropriately, it is equally responsible to have safeguards in place that protect our communities from violating offenders who could represent a threat to public safety. This bill would eliminate the possibility of home detention or any other alternative to confinement for offenders who commit violations involving firearms or commit a have a prior domestic violence conviction.

Release Information, Access to DOC Database, Local Police Arresting Authority ([SB 6316](#))

Currently, community corrections officers and local law enforcement work hand in hand to monitor offenders who are on community supervision and to intervene when violations of the conditions of release occur. Despite a great working relationship, there are several structural flaws that this bill seeks to address:

- **Problem:** There is no system in place to provide the Department of Corrections with real-time alerts concerning an inmate's release, escape or transfer from a local jail who is being supervised by the department.
- **Solution:** WASPC will implement procedures as part of the jail booking and reporting system to automatically notify DOC when an inmate, housed in any city or county jail and under supervision by the department, escapes or is released.

- **Problem:** Local police are currently not uniformly provided information on an offender's conditions of release and are thus unable to intervene in an expedient fashion when obvious violations are occurring.
- **Solution:** Provide local law enforcement real-time access to the statewide corrections Offender Management Network Information (OMNI) system which would give the ability to track offenders' conditions of release.

- **Problem:** Even with good information on the conditions of release, local law enforcement authorities are unable to intervene upon observing an offender violation (that does not constitute criminal activity by itself) unless they have immediate access to a Community Corrections Officer or an arrest warrant issued by DOC.
- **Solution:** Provide local law enforcement the ability to detain offenders in violation of their conditions of release with or without an arrest warrant having been issued. Offender would be transferred to DOC authority at the earliest possible juncture.

You can watch a video with more detail about my bills by visiting my website, www.SenateRepublicans.wa.gov/Carrell.

In closing...

If you know someone in our district who might be interested in receiving these updates, please feel free to forward this e-mail to him or her.

As always, if you'd like to contact me you can write, phone, e-mail, or stop by my Olympia office. I look forward to your comments and suggestions because they help me better represent you. My office phone number is (360) 786-7654, and my home phone number is (253) 581-2859. Or you can write me at **102 Irv Newhouse Building, P.O. Box 40428, Olympia, WA 98504-0428.**



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Sincerely,

A handwritten signature in black ink that reads "Mike". The letters are cursive and fluid, with a small dot above the 'i'.

Mike Carrell

28th District State Senator